

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA

TERRY THRAILKILL,)
)
Plaintiff,)
)
v.) Case No. 21-CV-269-Raw
)
UNITED STATES OF AMERICA, EX REL.,)
UNITED STATES POSTAL SERVICE,)
)
Defendant.)

COMPLAINT

COMES NOW, the Plaintiff, TERRY THRAILKILL, and for his Complaint against the Defendant, UNITED STATES OF AMERICA, EX REL., UNITED STATES POSTAL SERVICE, alleges and states as follows:

I. JURISDICTIONAL ALLEGATIONS

1. That Plaintiff, TERRY THRAILKILL, is a citizen and resident of Okmulgee County, State of Oklahoma.
2. That Defendant, UNITED STATES OF AMERICA, EX REL., UNITED STATES POSTAL SERVICE, operates within Creek County which is located within the Eastern District of Oklahoma.
3. That Plaintiff has complied with the notice provisions of the Federal Tort Claims Act, 28 U.S.C. §§ 2671-2680.
4. That the claims made by Plaintiff herein arise out of an automobile collision that occurred between Plaintiff and an employee of the United States Postal Service acting within the course and scope of their employment and while operating a United States Postal Service vehicle causing a collision with Plaintiff and are actionable pursuant to 28 U.S.C. §§ 2671-2680.

II. GENERAL FACTUAL ALLEGATIONS

5. That on or about the 5th day of December, 2018, Plaintiff was traveling near the intersection of State Highway 75 Alt. and U.S. Hwy 117 in Sapulpa, Oklahoma, when he was struck by a United States Postal Service vehicle being operated by a Travis Warren while in the course and scope of his employment with the United States Postal Service.

6. That as a direct and proximate result of the collision, Plaintiff has sustained significant damages including but not limited to bodily injury, medical expenses, pain and suffering both in the past and will continue into the future.

7. That on or about the 2nd day of September, 2020, Plaintiff initiated his claim under the Federal Tort Claims Act by submitting the Standard Form 95 and all applicable supporting documents to the United States c/o United States Postal Service.

8. That on or about the 9th day of October, 2020, the United States by and through United States Postal Service acknowledged receipt of Plaintiff's Standard Form 95 and advised that the Postal Service had six (6) months to adjudicate the claim from September 10, 2020.

9. That to date, United States of America, ex rel. United States Postal Service has failed to adjudicate Plaintiff's claim.

III. NEGLIGENCE

10. That the allegations contained in paragraph nos. 1 through 9 are re-stated and incorporated as if fully set forth herein.

11. That on the above referenced date, Travis Warren, acting within the course and scope of his employment for the United States, ex rel., The United States Postal Service, negligently operated a United States Postal Service vehicle, causing a collision with the vehicle being driven by Plaintiff and causing Plaintiff to suffer damages, including but not limited to,

bodily injury, pain and suffering, medical bills, property damage and lost wages in an amount in excess of \$75,000.00.

WHEREFORE, Plaintiff prays this Court for judgment against Defendant in an amount in excess of \$75,000.00, and all other further relief this Court deems just and proper.

Respectfully submitted,

/s/Robert V. Seacat
Robert V. Seacat, OBA #15441
THE SEACAT LAW FIRM
3220 South Peoria Ave., Suite 203
Tulsa, Oklahoma 74105
(918) 591-2555
(918) 398-6177-fax
robert@seacatlawfirm.com
ATTORNEY FOR PLAINTIFF

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